



Practitioner's Docket No. BBC128USC1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Carl M Mendel, et. al.

Application No.: 10/828,607
Filed: 04/21/2004
For: Treatment of Neuropathic Pain

Group No.: 1614
Examiner: Leslie A. Royds

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(d))

Identification of Person(s) Making This Disclaimer

I, Andrew M. Parial, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Date: October 27, 2006

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* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

DISCLAIMER
(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/979,596, filed on November 2, 2004, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/979,596, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. § 1.20(d))

Other than a small entity--fee \$130.00.

FEE PAYMENT

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 01-0025.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date: OCTOBER 27, 2006



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